

The claims have now been amended to include the feature that the lines of slits are parallel to each other but transverse to the longitudinal dimension of the sheet. New claim 12 contains the further feature that the longitudinal edges of flexible material are intercepted by slits on said slits lines. Support for these features is found on page 4, lines 6-10; also on page 5, lines 4-9; and on page 18, lines 17 et seq.

In Section 3 of the Office Action, claims 1-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Stock. This rejection is respectfully traversed. There are significant elements in the Applicant's claims that are not disclosed or suggested in the Stock patent. These are described as follows:

**1. The direction of the slits**

All of Applicant's claims call for the use of a flexible sheet of material having discontinuous slits in spaced apart lines that are parallel to each other ***but transverse to the longitudinal dimension of the sheet.***

The Stock patent, however, only shows slitted material in which the lines of slits run parallel with the longitudinal dimension of the sheet. See, for example, Fig. 1 of Stock. The Stock patent is merely representative of the prior art as pictured in Fig. 1 of the present application, and as described in the present specification at page 18, line 17 et seq.

The difference in the direction of the slits is a significant difference, because the prior art products, such as Stock, in which the slit lines are parallel with the longitudinal dimension of the sheet suffer serious disadvantages, not only in the manufacturing thereof but also in their use. These disadvantages are set forth and explained at length in the Applicant's present specification starting at page 18, line 17, and continuing through page 21, line 24. By way of summary, the slits in the prior art product, as shown in Stock, must be cut by the use of banks of rotary discs, which are known to be subject to left and right slippage and cannot be used for slitting sheets of material more than about 15 cm. in width. Further, the prior art product necessarily leaves substantial unslit margins along both longitudinal edges of the entire length of the sheet, such

margins being only wastage. Further, continuous rolls of slit material in which the slits run parallel to the longitudinal dimension of the sheet, as in Stock, cannot be stretched into expanded net form by pulling longitudinally. This seriously detracts from their usefulness, as demonstrated in greater detail in the present specification starting at page 19, line 27, and continuing through page 21, line 24.

Because the Stock patent does not show or suggest the transverse positioning of the slits, as specified in all of Applicant's claims, and because of the significant advantages that Applicant's product possesses because of this difference, it is submitted that the Stock patent is merely representative of the inapplicable prior art and provides no basis for a valid rejection.

## **2. The longitudinal edges of the sheet being intercepted by slits**

Claim 12 contains the additional feature that "the longitudinal edges of said sheet (are) intercepted by slits on said slit lines." The Stock patent does not show or suggest any product incorporating such feature. Since all the slits run parallel to the longitudinal dimension of the sheet, it is not possible that any of such slits could also intercept the longitudinal edges of the sheet.

This also is a significant distinction, because the unslit margins of the Stock patented product make it impossible to pull the sheet longitudinally to stretch it into a metal net. The significance of this distinction is set forth in detail in the present specification at page 18, line 17 et seq. In the Stock configuration, the only way to expand the slitted sheet is to grasp the material along the entire length of both longitudinal edges and pull in a direction transverse to the longitudinal dimension of the sheet. This requires special, complicated, heavy equipment, especially if the stretching is to be done on a continuous basis. This also prevents the feature of Applicant's invention in which rolls of slitted material are transported to distant usage locations and stretching on site by pulling the sheet longitudinally as it is being removed from the roll.

The foregoing distinction contributes even further to the patentability of claim 12.

**3. Transporting rolls of slitted material to the site of usage**

Claim 11 contains the additional step of "transporting said (slitted) roll in compact, unexpanded form to a site of usage" and "unrolling and stretching said continuous sheet to provide a three-dimensional cellular material" at that site. This feature of the invention provides even further advantages, as set forth in greater detail in the Applicant's specification, starting at page 43, line 20.

In the Stock patent, there is no disclosure or suggestion of this particular feature. Although the Examiner states in the Office Action that "Assembly of the expanded material and aggregate in a field application is also taught," Applicant has searched the Stock patent in its entirety and has found no disclosure or teaching of this nature, and certainly has found no teaching of the above quoted feature in Claim 11 relating to transporting rolls of slitted material in compacted, ***unexpanded*** form to the site of usage.

The foregoing distinction contributes even further to the patentability of claim 11.

For all of the above reasons, it is submitted that all the present claims, as amended, are patentably distinct from the Stock patent, and that the rejection on Stock should be withdrawn.

Favorable action on this application is solicited.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Amended) A construction material comprising (a) a cellular expanded sheet of material formed by longitudinally stretching a sheet of flexible material having discontinuous slits in spaced apart [parallel] lines parallel to each other but transverse to the longitudinal dimension of said sheet, and (b) a filler material comprising aggregate and tar filled in the cells of said cellular expanded sheet.

6. (Amended) A method of producing a construction material comprising the steps of slitting a sheet of flexible material to provide discontinuous slits in spaced apart lines parallel to each other but transverse to the longitudinal dimension of said sheet, stretching said slitted sheet to produce a three-dimensional cellular configuration, filling the cells thereof with a mixture of melted tar and aggregate, and subsequently cooling said material to produce a hardened layer of construction material.

11. (Amended) A method of providing a construction material comprising the steps of producing a compact roll of a continuous sheet of unexpanded flexible material having discontinuous slits in spaced apart lines parallel to each other but transverse to the longitudinal dimension of said sheet; transporting said roll in compact, unexpanded form to a site of usage; unrolling and stretching said continuous sheet to provide a three-dimensional cellular material; and filling the cells of said cellular material with a mixture of melted tar and aggregate.